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13 UNITED STATES DISTRICT COURT  
14 NORTHERN DISTRICT OF CALIFORNIA  
15 OAKLAND DIVISION

16 BRYAN LEE, et al.,

17 Plaintiffs,

18 v.

19 MICRON TECHNOLOGY, INC., et al.,

20 Defendants.  
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Case No. 21-cv-03267-JSW

JOINT STIPULATION RE DISMISSAL  
AND ORDER THEREON

1 This Stipulation is made and entered into by and among Plaintiffs Bryan Lee *et al.*  
 2 (Plaintiffs), Defendants Samsung Electronics Co., Ltd. and Samsung Semiconductor, Inc.  
 3 (Samsung), Defendants Micron Technology, Inc., and Micron Semiconductor Products, Inc.  
 4 (Micron), and Defendants SK hynix, Inc. and SK hynix America, Inc. (SK hynix) (Samsung, Micron,  
 5 and SK hynix are referred to collectively as Defendants, and Plaintiffs and Defendants are referred to  
 6 collectively as the Parties).

7 WHEREAS, on January 19, 2021, plaintiffs in *In re Dynamic Random Access Memory*  
 8 (*DRAM*) *Indirect Purchaser Antitrust Litigation*, Case No. 4:18-cv-02518-JSW-KAW, in the United  
 9 States District Court for the Northern District of California (*In re DRAM IPP Lawsuit*), on behalf of  
 10 themselves and all other similarly situated, filed a Notice of Appeal to the United States Court of  
 11 Appeals for the Ninth Circuit from the Judgment entered against plaintiffs by the District Court on  
 12 December 21, 2020 (ECF No. 122);

13 WHEREAS, on May 3, 2021, Plaintiffs filed a lawsuit against Defendants (Complaint),  
 14 styled *Lee et al. v. Micron Technology, Inc., et al.*, Case No. 4:21-cv-03267-LB in the United States  
 15 District Court for the Northern District of California (*Lee Lawsuit*);

16 WHEREAS, on June 2, 2021, District Judge Jeffrey S. White of the United States District  
 17 Court for the Northern District of California ordered that the *Lee Lawsuit* be related to the *In re*  
 18 *DRAM IPP Lawsuit*, and the *Lee Lawsuit* was re-styled Case No. 4:21-cv-03267-JSW;

19 WHEREAS, the appeal in *In re DRAM IPP Lawsuit* is currently pending before the United  
 20 States Court of Appeals for the Ninth Circuit, Case No. 21-15125 (*In re DRAM IPP Lawsuit*  
 21 Appeal); and

22 WHEREAS, the Parties wish to conserve resources and avoid unnecessary litigation time and  
 23 expense while simultaneously preserving their respective rights, defenses, and litigation positions.

24 NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL AGREEMENTS  
 25 CONTAINED HEREIN, IT IS HEREBY STIPULATED AND AGREED between Plaintiffs and  
 26 Defendants, through their respective counsel, as follows:

27 1. Counsel for Samsung, Micron, and SK hynix agree to accept service by email, on  
 28 behalf of their respective clients, of the Complaint and summons in the *Lee Lawsuit*;

2. Counsel for Samsung, Micron, and SK hynix agree to accept service by email, on behalf of their respective clients, of the Order Setting Case Management Conference and Requiring Joint Case Management Conference Statement in the *Lee* Lawsuit;

3. On or before fourteen (14) days following the completion by Defendants of the acts contemplated by paragraphs 1 and 2, Plaintiffs shall, pursuant to Federal Rule of Civil Procedure 41(a)(1), voluntarily dismiss the *Lee* Complaint, with all Parties agreeing that this dismissal is without prejudice;

4. If the dismissal of plaintiffs' Sherman Act claims in the *In re DRAM IPP Lawsuit* Appeal is affirmed by the Court of last resort to which such appeal has been taken and such affirmance has become no longer subject to further appeal or review, then Plaintiffs in the *Lee* Lawsuit agree not to reassert the claims in the *Lee* Complaint against Defendants;

5. However, if the dismissal of plaintiffs' Sherman Act claim in the *In re DRAM IPP Lawsuit* Appeal is *not* affirmed by the Court of last resort to which such appeal has been taken, Plaintiffs may choose to refile the claims asserted in the *Lee* Lawsuit in the future (the New Case). The New Case shall be commenced after *In re DRAM IPP Lawsuit* Appeal is no longer subject to further appeal or review, by filing a complaint in the United States District Court for the Northern District of California;

6. Should Plaintiffs choose to file the New Case within sixty (60) days after *In re DRAM IPP Lawsuit* Appeal is no longer subject to further appeal or review, all Defendants (Samsung, Micron, and SK hynix) agree not to assert any statute of limitations defense with regard to the claims asserted, except such defenses as may exist as of the date of this Stipulation, prior to dismissal of the *Lee* Complaint. The Parties' agreement herein shall not prejudice, release, or waive any of the Parties' respective claims or defenses, except as set forth specifically in this Stipulation.

IT IS SO STIPULATED.

DATED: July 19, 2021

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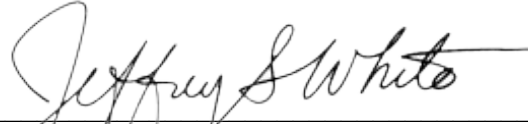
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5 *Attorney for the Defendants SK hynix, Inc. and SK hynix*  
6 *America, Inc.*  
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PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: July 19, 2021

  
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HON. JEFFREY S. WHITE  
U.S. DISTRICT JUDGE

**ATTESTATION OF CONCURRENCE IN THE FILING**

Pursuant to Civil Local Rule 5-1(j)(3), the filer attests that concurrence in the filing of this document has been obtained from each of the signatories.

\_\_\_\_\_  
s/ Steve W. Berman  
STEVE W. BERMAN